

Development Management Report

Summary of Application

Application Number: 19/01261/MAW	Parish:	Condover
Proposal: Application for a southern extension to the existing sand and gravel quarry, retention of all existing operational facilities and site access and revised restoration of the existing site		
Site Address: Norton Farm Pit, Condover, Shrewsbury, Shropshire, SY5 7AR		
Applicant: Hanson Quarry Products Europe Limited		
Case Officer: Graham French		email: planningdmc@shropshire.gov.uk

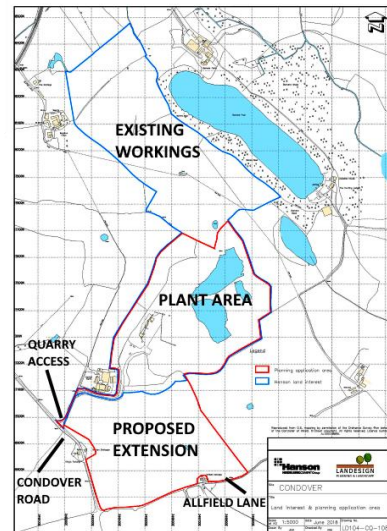


Fig 1 – Location Plans

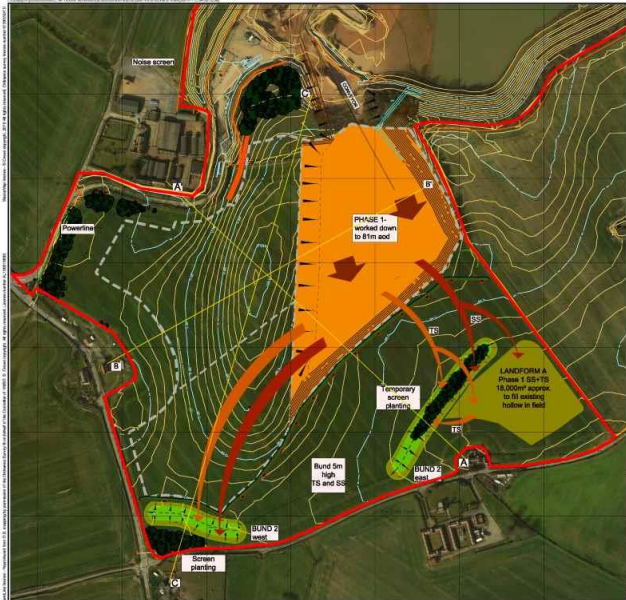
Recommendation:- Grant Permission subject to the conditions and legal obligations set out in Appendix 1.

REPORT

1. THE PROPOSAL
 - 1.1 The applicant Hanson is a leading supplier of building materials and operates Condover Quarry as part of its sand and gravel business. Hanson is a leading supplier of heavy building materials to the construction industry, producing aggregates (crushed rock,

sand and gravel), ready-mixed concrete, asphalt, cement and cement related materials. The site has received several previous planning permissions dating back to the 1960's which allow excavation and processing of sand and gravel.

Fig 2 – Phasing and restoration



Phase 1



Phase 2



Phase 3



Restoration

- 1.2 The current proposal is for a new mineral extraction area (“the proposed extension”) which adjoins the southern part of the existing quarry and would use the existing quarry plant site, administration and access facilities. The proposed extension is a single large arable field with an area of 22 hectares. The mineral reserve is restricted to the north-western half of the field. The south-eastern half would be used for temporary soil storage and to carry out agricultural land improvements. The extension falls within a total planning application area of 44.3 hectares including plant and processing areas.

- 1.3 The proposed extension would release circa 2.854 million tonnes of high-quality sand and gravel, increasing the operational life of the site by approximately 14-15 years at an annual output of 200,000 tonnes per annum.
- 1.4 The existing sand and gravel processing plant, stocking areas, weighbridge, quarry office, workshop and stores are all located in an area close to Norton Farm, some 100 metres north of the proposed extension and would be connected by an internal access road and field conveyor system. Working and restoration would take place progressively and in separate phases which have been designed to minimise environmental effects and maximise screening. Restoration would be to a mix of open water, amenity / nature conservation and agricultural uses.
- 1.5 All vehicles associated with the quarry operation are weighed, loaded and dispatched from the plant site and stock yard. A wheel wash and vehicle sheeting facility are located along the access road. No HGV road traffic passes any further into the Site than the plant site and stocking area. All traffic is restricted to entering and leaving the quarry via the Condover Road to the A49 at Bayston Hill rather than via Condover village which has limitations for heavy vehicles. Only deliveries to Condover village are allowed to turn left from the quarry entrance. Routing restrictions are already enforced by a legal agreement which would be reapplied to the current application.
- 1.6 The proposals involve provision of a permissive footpath linking the villages of Condover and Bayston Hill which would be delivered through a section 106 Legal Agreement.
- 1.7 Permitted mineral reserves in the existing quarry are nearly exhausted. The proposed extension would allow continuation of an existing business which has been in operation for over 55 years. If the extension did not proceed Hanson would have to consider reactivating mineral operations at one of its' dormant Shropshire sites (Sleap Airfield or Cound Quarry). This would have potential implications for existing uses of these sites including the Sleap Aeroclub who have written in support of the current application.
- 1.8 The current application is a revision to two previous planning withdrawn applications (17/02833/MAW and 17/02834/VAR) and combines the proposals in those applications into a single planning application. Various changes to the scheme have been made as part of the consideration of these previous applications. Consequently, the working schemes now proposed includes larger stand offs between the southern screen bund and residential properties at Allfield Cottages as well as a 'sacrificial' planting screen on part of the southern bund. Deferment to the timing of the construction of the western bund (nearest to Norton Cottage) is now also proposed, with the intention of reducing the duration of any visible quarrying operations on receptors along Condover Road.
- 1.9 The application is accompanied by an Environmental Statement submitted under Schedule 1 of the Environmental Impact Assessment Regulations 2017. This includes a series of reports which address the main environmental issues raised by the proposals and put forward appropriate mitigation measures where appropriate.
2. SITE LOCATION / DESCRIPTION
- 2.1 Condover Quarry is located to the east of the A49 Shrewsbury to Leominster road approximately 4km south of Shrewsbury, between the villages of Bayston Hill to the

north and Condoover to the south (Fig 1). The closest residential properties within the local area are those located on Allfield Lane to the immediate south, on Condoover Road and at Norton Farm. The Site is accessed by a purpose built tarmac access road from Condoover Road at Norton Farm. The existing quarry and proposed extension are situated within gently rolling countryside which incorporates farmland, woodland and wetland.

- 2.2 The extension area comprises a single square shaped arable field on the southern side of the existing quarry. It is bounded to the north by the existing quarry, to the west by the Condoover Road, to the south by Allfield Lane and to the east by agricultural land forming part of Allfield Farm. The quarry and the proposed extension do not incorporate any statutorily designated areas, the nearest being Bomere Pool (750m to the north east of the extension) which is classified as a RAMSAR and SSSI site. To the north, immediately west of Tarmac's Bayston Hill Quarry lies 'the Burgs,' a Scheduled Monument (1570m from the extension). A further Scheduled monument also sits on the eastern shore of Bomere Pool. Both these sites are remote from Condoover Quarry and the proposed extension.
- 2.3 The land rises sharply at Lyth Hill some 1.5 km to the west, (from 90m to 165 meters AOD). This area incorporates a country park with longer distance views of eastern Shropshire, the Wrekin and the Southern Shropshire Hills, some of which incorporate the site in the middle distance.
- 2.4 A short sand and gravel ridge rises to 101m AOD through the centre of the field trending approximately north – south. The perimeter of the field sits at between 82 and 84 m AOD on the north west and south boundaries. The farmer advises that the land is difficult to farm in places due to the steep slopes.
- 2.5 The land occupied by the quarry and proposed extension was formerly part of Norton, Bayston and Allfield Farms. To the north east lies Bomere Wood and Pool; to the north and north west lies Berries Lane, the Shrewsbury to Cardiff railway line and north of that, the village of Bayston Hill including Tarmac's Bayston Hill quarry. To the south and west the land surrounding the quarry is agricultural and generally in arable use.

3. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

4. COMMUNITY REPRESENTATIONS

- 4.1.i. Condoover Parish Council: At its meeting on 2nd April 2019, Condoover Parish Council resolved to neither support nor object to this planning application on the basis that although previous confirmations sought referring to consultation with immediate neighbours to the site, the direction of traffic to the A49, and the community benefit to be achieved had been received, matters referring to footpaths remained unresolved.
- ii. Further clarification and confirmation was required that the permissive footpath provided for in application SC/MS2008/1225/SY would be opened promptly (even if a temporary diversion were necessary to make this happen). A new public footpath had been

requested as part of the restoration plan from Norton crossroad (Allfield / Condover junction) to link with both the public footpath from Norton Farm to Bayston Hill and to the permissive footpath referred to above. This new public footpath would improve village sustainability by providing the missing link allowing pedestrians to walk between the two villages of Condover and Bayston Hill without the need to walk along an increasingly busy road which currently has no footpath provision.

- 4.2i. Environment Agency (11/02/2020): No objection. The latest submission confirms that no dewatering has taken place since 2006 at the quarry and details when the new abstraction licence process for future dewatering might be commenced. We previously sought some information to clarify the potential impact upon private water supply within the Kame deposits in particular and to provide an appropriate level of assessment, as part of the EIA, on those matters that are relevant to the abstraction licence (permit to abstract).
- ii. The main issue we felt remained was obtaining confirmation, as part of a comprehensive water features survey, for the EIA, that none of the properties identified as having potential private groundwater abstractions would be at risk. We sought clarification to confirm if they did exist or not, so they could be ruled out. The latest Technical Note, although it does not include any formal documentation, states that checks have been carried out with the local authority's private supplies register which show none are present within 2km of the site. It is also stated that a Severn Trent Water Limited main is present and that the likelihood is that properties are connected. We do not disagree with this assumption, however private water supplies can be used by for other purposes than potable water.
- iii. We understand that the dewatering activity will not commence until 9 years (due to the depth of the water table) after work starts and that 2 years prior to this an abstraction licence (permit to abstract) will be applied for. We acknowledge that as part of this application a water features survey will be necessary and carried out as part of the permit to abstract. The statement confirms that this will have to demonstrate "that there will be, no mitigated impact on other abstractors, protected rights to abstract, or water related environmental features". We think this should read no impact. We agree that a comprehensive water features survey will be essential as part of this application and we would expect this to be addressed as part of that process.
- iv. Limited information is provided at this stage and on the basis of the above the abstraction licence application is not twin tracked. We would require the applicant to submit an updated Hydrogeological Impact Appraisal for the dewatering activity at the point in time that an application for a new licence to abstract is submitted. This would seek to ensure the effects of the dewatering activity are adequately characterised and established and appropriate avoidance/mitigation measures agreed. Please refer to Hydrogeological impact appraisal for dewatering abstractions, Science Report – SC040020/SR1. The scheme of monitoring information carried out as part of the planning regime will of course help inform the abstraction licence (permit to abstract) submission.

Note: A recommended hydrological monitoring condition is included in Appendix 1.

- 4.3i. Natural England: No comments received.

- 4.4 SC Ecology: No comments received.
- 4.5i. SC Regulatory Services: No objections. The applicant has provided a noise assessment (Appendix 7) and dust assessment for particulate matter for the proposed extension of the currently permitted site.
- ii. Noise: The Measured Background Noise Level for Receptor 2 ('R2') is 38dB L90 and for R4 it is 33 dB L90. In the table 4.3 Results of Baseline Noise survey and looking at appendix SK01 which shows noise monitoring locations for which LT 2 is located at R2 and LT4 is located around R4,5 and 6. Based on the results of table 4.3 can you advise where the given L90 for R2 is calculated as 38dB, and the for R4,5 and 6 it is calculated as 33dB?. It is apparent that the soil stripping phase is likely to be the most disruptive albeit the shortest of the phases to expose the mineral, causing noise levels up to 64dB at receptors R4 and R5 and it would appear that such stripping would form bunding at various heights, being 3 metres high in the western edges of the proposed extension and 5 metres high on the southern extension, so to provide noise attenuation from further activities within the site.
- iii. It is noted from table 7.11 phase 2 mineral extraction that the that the noise levels at receptor 4 are predicted would be up to 12dB above background, and receptor 2 having noise levels 11dB above background with many other receptors seeing increases of 6 or 9dB which is declared to be moderate/major in its significance of effects on the receptor. Phase 3 would also produce noise levels 10dB higher than background at Receptor 4 . In general terms, and as it is established in BS4142 (though BS4142 may not be appropriate for mineral extraction) there is a sensible principle in that an increase in 10 dB over background noise would likely be a source of complaint. For the 4 phases of the mineral extraction it would appear that dB levels would be around 7-9 dB higher than background for R4, 5 and 6. It is however noted that provided figures are well below the existing conditions 9a and 9b for the quarrying and site stripping (50dB Leaq and 70 dB leaq respectively) except perhaps for receptor 2, where noise levels are predicted to be a close 49dB for Phase 2. It is however recognised that the assessors have mentioned that the given noises are worst case scenario and the background noise levels are based on the lowest daytime ambient noise (LA90). It is noted that the hours of operation are 7am-7pm Monday to Friday and extraction would not occur on Saturdays until the depth of the quarry is established (below 87m OD), at which point the proposed bund and depth would itself attenuate noise.
- iv. In short, the noise assessment shows that there will be increased noise between 6-10 and for some properties up to 12dB for some of the identified receptors, which would practically mean that the ambient background level currently enjoyed would have audible quarry working noises of excavators trucks vehicle movements and other ancillary equipment. Such noises are not necessarily loud, but compared against a backdrop of the existing rural location, albeit with daytime dominance of the nearby A49 traffic, there is an increase which may impact on residents. The proposal timescales are front loaded for the noisier soil stripping which will create the bunds which will be there throughout the life of the phases and will help attenuate the noise. Ideally, bunding should be close to the noise source, so I would ask if they are as close as they can be on the given plans.

- v. The current conditions which are provided for the existing quarry would appear not to be exceeded by the calculated noise. It would appear that the transport by conveyor of quarried material to the existing processing area, as opposed to moving or providing a processing area into the southern extension would contribute to a quieter operation of vehicular movements and the conveyor as opposed to these and crushing and other processing operations. The limitation to Monday-Friday operation is sensible though I would recommend a limitation on hours to 1800hrs instead of 1900hrs as being appropriate for the mineral extraction phases, unless with prior agreement or evidence to support this for which a condition can be lifted, and given the higher level of disturbance from soil stripping phase, that 1700hrs be recommended for that aspect to protect residents. Please advise on proposed morning start times.
- vi. Dust: The report on particulate matter has been undertaken with regard to the Institute of Air Quality management guidance. The area is not an Air Quality Management Area and the monitoring of ambient particulate matter generation as well as monitoring from the existing operations has revealed that any increase in particulate matter is negligible (though the ambient levels seemed to have been affected by dust from local harvesting). The extension area will have no equipment which will require a permit under the Environmental Permitting (England and Wales) regulations for dust controls as the quarried material is conveyed to the existing processing site in situ. The report, however, does contain in chapter 8, very sensible control measures to minimise dust which should be adopted for the conveyor and vehicles. It is good practice to have suppression techniques and methods to control dust including and not limited to water suppression on the hoppers in the extension area which feed the conveyor and the conveyor itself and water suppression on roadways when required. I would also point out that if dust causes significant impacts this may be considered using statutory nuisance provisions and/or private nuisance action could be taken by residents if they suffered losses as a result of dust.
- 4.6i. SC Archaeology: No objections. The proposed development comprises a c. 10.9ha southern extension to Hansons existing sand and gravel quarry at Condover (total site area 44.3ha). There are currently no records on the Shropshire Historic Environment Record (HER) relating to the proposed development site itself. There are, however, a number of cropmark archaeological sites within the surrounding area including a potential rectilinear enclosure and pit alignment (HER PRN 00440) c. 200m to the west; the conjectured line of a Roman Road (HER PRN 08494) immediately to the south; a loose cluster of three ring ditches (HER PRNs 00479, 04927 and 31492) c. 500m to the east-north-east; and a further two curvilinear cropmark enclosures (HER PRNs 04928 and 00480) c. 250m and 350m to the east respectively. A geophysical survey of the proposed development has identified a series of possible linear archaeological anomalies, some of which may relate to a former field system of possible medieval date. On current evidence, it is therefore considered that the proposed development site has moderate archaeological potential.
- ii. It is advised that the Cultural Heritage Assessment by Andy Josephs Associates, and the supporting Geophysical Survey Report by Tigergeo, satisfy the requirements set out in Paragraph 189 of the NPPF and Policy MD13 of the Local Plan. Given the archaeological potential of the site as outlined above, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the Local Plan, it is advised that a phased programme of archaeological work should be made a condition of any planning permission for the

proposed development. This should consist of an initial field evaluation, comprising targeted trial trenching of the linear geophysical anomalies together with a randomised sample of the quiet areas, followed by further mitigation as appropriate.

4.7i. SC Highways Development Control: No Objection subject to the development being constructed in accordance with the approved details. Conditions and informatives are recommended.

ii. The application seeks approval for a southern extension to the existing quarry and retention of existing operational facilities and site access at Norton Farm Pit, Condover and is a revision of previous planning application 17/02833MAW combined with 17/02834/VAR. The submitted Transport Statement has been reviewed and it is considered that it satisfactorily demonstrates that this quarry extension proposal will not increase the number of HGV or other trips to/from the quarry to those which have previously been experienced. However, this proposed extension will result in the existing quarry trips continuing beyond the current permission. It is therefore appropriate to examine whether there are any concerns associated with the existing/previous activity and how these could be addressed, particularly if they relate to local community safety concerns.

- At the site entrance, visibility (to the left) is well below the standard for the posted speed limit. However, it is considered given the local road conditions that the likely vehicle speeds will be generally lower than the national speed limit. Therefore, given that there have been no recorded injury accidents at this location, involving an HGV, it could be considered that the existing available visibility splay is satisfactory for the local conditions.

iii. In order to mitigate the above issue, the developer should be requested to contribute to the erection of appropriate HGV warning signs on both approaches to the site entrance, to inform approaching drivers of the potential hazard ahead (i.e. turning HGVs). These signs should also be located so that they do not adversely affect the currently available visibility splays from the site access. Furthermore, it is considered that the continuation of HGV movement, to and from this site, over the next 15 years, will adversely affect the longevity of the existing road construction between the site and the A49. Therefore, it is reasonable to request the developer to make appropriate contributions towards the repair and a maintenance of this section of local highway. In the circumstances, it is considered that the financial contributions required to ensure the delivery of the HGV warning signs and the maintenance of the highway should be secured via an appropriate S106 Agreement (TCPA), prior to planning consent being granted.

4.8 SC Drainage: No objection. The site is greater than 1.0 Ha. and a Flood Risk Assessment has been produced under the Environmental Statement Appendix 6. The potential sources of flood risk as shown in Table 14 are very low.

Public Comments

4.9 The application has been advertised by site notice and in the local press and local residents have been individually notified. Two letters have been received, one objecting and one in support. A further detailed objection letter on behalf of a local resident adjoining the site has been received from planning consultants Leith Planning.

- 4.10i. Objection Comment: We have lived in Condover for nearly 7 years and in all of our previous residences we have never experienced a property which suffers from so much dust all year round. Our view is that the considerable dust is most likely to emanate from the quarry belonging to the Applicant. We are therefore very concerned to learn of the proposed extension of the quarrying to bring the operations closer to our property which can only mean an increase in the dust within the environment around and in our house. We dread to think how much worse the problem will be for properties even closer than us to the quarry extension.
- ii. We note with interest and some skepticism the conclusions of the Dust and Air Quality Assessment carried out in December 2018 on behalf of the Applicant. Whilst we have no specialist data to support our view, our experience living locally belies the content of the Assessment. We note that the Report seems to lay the blame for any localised dust issues with crop harvesting, but harvesting takes place once a year and the dust problem is a perennial issue. Before any consent is given to this Application we would ask that if no recent review has been undertaken by the Environmental Health Department that an Air Quality Assessment be carried out to establish the current levels of dust in the local environment. We do not believe that the current levels of dust can be conducive to good health for us and our neighbours and extending the area of quarrying will exacerbate this problem.
- iii. We note from the letter dated 14 March 2019 from Landesign Planning & Landscape to your Mr. French that Mr. Briggs, the Director states that pre-application consultation has taken place with all residential property owners around the site. If that is the case then he can only be giving this a limited meaning to refer to adjoining property owners since we have not been consulted and were unaware of the Application until receiving your letter dated 21 March 2019 and indeed we understand from one of our neighbours in North Park that not only were they not consulted they did not even receive similar notification to that received by us in your letter of 21 March.
- iv. As to the extent of the proposed quarrying this undoubtedly causes considerable damage to the scenic nature of the approach to the village and is likely to have an adverse effect on the local flora and fauna. It is another case of reducing the rural landscape and affecting the rural environment in the pursuit of profit.
- v. We hope and trust that our comments will be taken into consideration in relation to this Application and we hope that you will be able to re-assure us that the Council will undertake its own Air Quality Assessment rather than relying on an Assessment commissioned by and paid for by the Applicant which cannot be regarded as independent.
- 4.11 Leith Planning objection: A 56 page objection letter has been received from Leith Planning on behalf of a local resident living adjacent to the site. The full wording is available for inspection on the Council's online planning register. The conclusions of the letter are as follows:
- i. The proposed development raises several concerns which must be considered prior to determination of the application. We remain of the opinion that the methodology used in the assessment of 'impacts' within the technical reports that make up the Environmental Assessment is flawed and is based on misconceived applications which are technically

inchoate. The conclusion that “environmental impacts such as noise and air quality are assessed separately in this ES and it is concluded that no unacceptable adverse effects would arise at nearby residential properties” is deemed to be perverse, it is based on assumptions which ignore the micro-climate and as such misrepresent the likely impacts of dust on adjacent properties.

- iii. The socio-economic case also remains overstated and misconceived; the problem stems from the simple fact that the public interest has been protected by way of allocations in the adopted plan; the applicant has confused ‘public interest’ with ‘private commercial interests’ and carried that through to evaluate the socio-economic effects. In short, a flawed assessment. We therefore ask that the application is refused, and the matters outlined in this report are addressed.

Note: The applicant has submitted further information which Leith have been notified of.

- 4.12i. Mr Stuart Jameson, Chairman of Shropshire Aero Club: I am writing in support of the application by Hanson Aggregates (19/01261/MAW) as acting Chairman and on behalf of Shropshire Aero Club Ltd sited at Sleaf Airfield near Harmer Hill, since the operation to the airfield, the future of the club and its’ members are key stakeholders in the potential outcome of this application.
 - ii. As you are probably aware, Hanson Aggregates is also the landowner of the Sleaf Airfield site and at some future point the destiny of the airfield is for it to be turned into a quarry, similar to that at Condover. The longer that Hanson Aggregates operate at their existing sites obviously means that the risk of opening an entirely new site, such as Sleaf, is significantly reduced.
 - iii. Sleaf airfield is the last remaining civil aviation authority (CAA) licensed airfield in Shropshire, operating every day (excluding Christmas Day) and there are no other options in the county. We operate a flying club of around 475 active members, and provide flying training to CAA and EASA syllabi where we have approximately 85 students in flying training at any one time. Many of these are young individuals who will go on to take up flying careers with airlines - we have already provided young pilots to EasyJet, Ryanair and Thomas Cook to name a few.
 - iv. The club operates a fleet of 9 aircraft from 2-seater trainers to 4-seat touring aircraft and an aerobatic aircraft available for training to the AOPA syllabus to British Aerobatics Association "Beginner" and Standard" categories. There are over 100 owner-operated aircraft based at Sleaf. Shropshire Light Aviation is a thriving aircraft maintenance facility and has been in operation at the airfield for many years which provides aircraft maintenance services to the region, in addition to some of the aircraft based on-site. Sleaf is in daily use for military helicopter training from RAF Shawbury during weekdays and also provides a relief landing facility. We are also a key provider of aviation fuel in the area where we have JetA1, Avgas 100LL and UL91 aviation grade fuel on-site. The airfield also provides an important local facility for professional aviation activity and refueling, for example pipeline and electricity power line inspection helicopters and we provide an air ground service to Air Ambulance services when requested.
 - v. Sleaf has a restaurant / cafe that operates every day of the week and we have many regular visitors including members of the general public who come to watch the flying

activity, especially at weekends where families bring their children to have Sunday Lunch in our WWII control tower with spectacular views not only over the airfield, but on to the Welsh hills beyond. There is a museum on the airfield open most weekends that has specialised in the recovery and preservation of wartime aviation artefacts and has many exhibits including possessions and stories of local WWII pilots who were killed in action, and includes the uniform of one famous Spitfire pilot who did survive the war and went on to build a successful and well known family business in Whitchurch. Outside the museum there is a memorial dedicated to those from the local area who served and lost their lives in defence of their country.

- vi. Sleaf is one of the few sites in the country that is capable of holding a national aerobatic event - the Golding Barrett Trophy competition annually and we also provide other activities such as the Bader Braves day where members give up their time to host disabled and disadvantaged children, giving them an experience of a lifetime - taking to the air with a member of their family! For many this will be a one and only opportunity. I could continue with many other examples of what happens at Sleaf over the course of a year, however I will get to my main point of supporting the Hanson application. As you will have realised by now there is much at stake at Sleaf should the planning application at Condover be refused since it will move our site to a higher priority for earlier extraction by Hanson Aggregates, which would seem a rather odd position to end up in when Condover is already an extraction site and an extension to that site would preserve Sleaf for a further significant period.
- vii. Shropshire Aero Club currently turns over in excess of £1m per year in fuel sales and flying training, not including the restaurant or aviation maintenance who are both valuable employers in turn and bringing in significant revenue to the community. We provide far more than a casual recreational outlet - several aircraft operating from Sleaf are owned by well-known local business operators (including some large agricultural - related names), therefore losing the site at Sleaf would have a knock-on effect far beyond Shropshire Aero Club itself and it's club members. It is with all of those factors in mind that I would encourage the council to take a very detailed look at the potential outcomes of the Condover planning application decision, beyond the immediate vicinity of the site.
- viii. I have also collected the names and addresses of almost 140 club members that can be provided on request who are in favour of this letter of support and continued extraction at Condover.

5. THE MAIN PLANNING ISSUES

- i) Development context;
- ii) The justification for the development;
- iii) Environmental effects including:
 - noise,
 - dust,
 - visual impact,
 - ecology,
 - hydrology.
 - restoration and afteruse

6. OFFICER APPRAISAL

Development Context

- 6.1 National guidance and local policies: Planning applications must be determined in accordance with the National Planning Policy Framework 2019 (NPPF) and the Development Plan unless material considerations indicate otherwise. The NPPF recognises that minerals are essential for supporting sustainable economic growth and our quality of life. As a result, it is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs, whilst ensuring that permitted mineral operations do not have unacceptable adverse impacts on the natural and historic environment or human health. When determining planning applications, great weight should be given to the benefits of mineral extraction and ancillary development (NPPF 205).
- 6.2 The development plan for Shropshire comprises the Shropshire Core Strategy and the SAMDev plan and the associated mineral policies. Core Strategy policy CS20 confirms that the site is located within a Mineral Safeguarding Area where there is a presumption that mineral resources will be protected from sterilisation. The site is also located within a 'broad location' for the future working of sand and gravel identified by the policy which commits amongst other matters to maintaining an adequate supply of sand and gravel in line with the NPPF. It also advises that 'priority will be given to environmentally acceptable proposals which can deliver targeted environmental or community benefits consistent with Policies CS8 (Facilities, services and infrastructure provision) and CS17 (Environmental Networks)'.
- 6.3 SAMDev policy MD5 relates to the provision of sand and gravel and is worded as follows:

MD5: Sites for Sand and Gravel Working

1. *The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted sites and then from the development of mineral working at the site identified on the Proposals Map and allocated in Schedule MD5a below;*
2. *Where monitoring demonstrates that the further controlled release of sand and gravel reserves is required, then the subsequent development of mineral working will be considered at the sites identified in Schedule MD5b below. Applications for earlier development of these sites will be considered on their merits. In considering any such application, particular regard will be paid to:*
 - i. *the need for minerals development to maintain an adequate and steady supply of sand and gravel consistent with the established production guideline;*
 - ii. *the need to control potential cumulative impacts associated with concurrent or sequential mineral extraction operations in a specific area, including through the imposition of output or timescale restrictions where these are necessary to reduce the potential for market oversupply and cumulative adverse environmental impacts;*
 - iii. *whether the early release of the site would enhance sustainability through meeting an identified local need.*

3. *Proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate that:*
- i. the proposal would meet an unmet need or would prevent the sterilisation of the resource; and,*
 - ii. the proposal would not prejudice the development of the allocated sites; or,*
 - iii. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.*

6.4 Mineral allocations: Policy MD5 sets out the expected situation with respect to release of the allocated sand and gravel sites. The Wood Lane North extension is approved and operational. Applications relating to the allocations at Gonsal and Morville have not yet been submitted. An application for a different extension at Gonsal has recently been submitted due to difficulties in obtaining access to the allocated site. The policy supports new unallocated sites in line with the general support for mineral working in the NPPF, provided the tests listed in the policy are met (either MD5 3i & ii or MD5 3i & iii).

6.5 The current SAMDev policies were adopted nearly 5 years ago and are therefore in need of review in line with the requirements of the NPPF. However, mineral policy remains technically 'up to date' as Shropshire can comfortably demonstrate a sand and gravel landbank in excess of 7 years. The current plan review excludes new mineral allocations so mineral policy has not been 'rolled forward' in the way anticipated when the plan was adopted. This will inevitably lead to an increasing reliance on windfall policy MD5(3) at a time when economic considerations are suggesting significant changes to the local and regional pattern of aggregate market.

6.6 Condover Quarry is not allocated in the current SAMDev plan but is recognised as an existing quarry with a proven resource and an established market. The current proposals would not increase the level of supply from the quarry but would allow the company to continue to supply its existing markets at current rates for a further 12 years. Borehole records indicate that the proposed extension would recover the last significant mineral reserves at the site. Decades of working at Condover have established a high degree of confidence regarding the track record and the environmental context of the quarrying operations. If the SAMDev mineral allocations had been rolled forward then it is likely that the proposed extension would have scored highly as a proposed allocation given also the general preference for extensions rather than green field sites.

The three tests set out in Policy MD5 3(iii) are considered below:

6.7 The first test: MD5.(3.i) - The proposal would meet an unmet need or would prevent the sterilisation of the resource.
Preventing sterilisation: If the current proposals did not proceed then the mineral would remain in the ground and may potentially be available for future working. However, existing permitted mineral at Condover would be exhausted within a year and Hanson would therefore need to prepare immediately for production to commence at their Sleep Airfield site.

- 6.8 Production of aggregate at Condover is dependent on the existing extensive quarrying infrastructure. Restoration conditions on the existing quarry permission require removal of this infrastructure within 2 years of the cessation of mineral working. Recovery of mineral in the extension area at a future date would not be possible unless quarrying infrastructure was subsequently re-introduced. This would entail significant cost and would also be expected to impact adversely on large areas of the future restored quarry site where significant habitat gains are anticipated. It is doubtful therefore that recovery of the limited volume of mineral in the extension area would be either economically viable or environmentally acceptable after the existing quarrying operations have ceased. Hence, there is a finite window of opportunity to recover the mineral in the extension area after which the mineral may effectively be sterilised in conflict with the requirements of Policy MD5.(3.i). Policy MD5(3.i) requires either that sterilisation is prevented or that the proposal would meet an unmet need. As the proposed extension would effectively prevent sterilisation of the last significant resource at Condover the requirement of policy MD5(3)i is met.
- 6.9 Meeting an unmet need: Policy MD5(3)i requires that if the proposal does not prevent sterilisation then it should meet an unmet need for mineral. As the current proposals would prevent sterilisation the requirement of this policy is satisfied. It is however appropriate to consider whether the proposal would also meeting an unmet need, either in terms of the volume of mineral or its particular characteristics.
- 6.10 The countywide picture of demand for sand and gravel is determined through Local Aggregate Assessments ('LAA's) which the NPPF requires Mineral Planning Authorities such as Shropshire to produce annually. This information should then be used to predict future demand on the basis of 10 year and 3 year rolling averages. The current health emergency has affected figures for recent mineral production and the most up to date LAA in Shropshire is for the year 2016-17. This indicates that, at 0.74mt per year, sand and gravel production in Shropshire was continuing to recover from lower levels during the economic recession and was above both the 10 year rolling average for sand gravel sales (0.69mt) and the 3 year average (0.70mt). The reserves in the landbank (11.69 million tonnes in 2016-17) equated at the time to 16.94 years which is significantly above the minimum 7 year requirement set out by the NPPF. Additional reserves have been approved since this time at Woodcote Wood (2.55 million tonnes - in production from March 2019) and at Shipley Quarry (3.5mt – expected to be operational from autumn 2020).
- 6.11 On the face of it there is a healthy reserve of sand and gravel in Shropshire (of the order of 16.5mt or 14+ years allowing for production from 2018) suggesting that this policy test is not met. However, the NPPF advises that an adequate or excess landbank is not a reason for withholding planning permission and it is also necessary to look at the detailed picture of aggregate supply in Shropshire. The 2016-17 LAA advises that 'despite having a large landbank, there are potential issues regarding productive capacity due to about 70% of reserves being contained within three sites which have been unworked for over 5 years'. The 2016-17 LAA advises that 'The release of further resources is expected through windfall applications or the Local Plan Review'. As the current local plan review has excluded mineral allocations new quarrying proposals must increasingly be considered under the windfall policy MD5(3).

- 6.12 Local Aggregate Assessments indicate that prior to the current health emergency the level of demand for sand and gravel in the West Midlands conurbation was high and increasing. A number of major developments are planned within the region including amongst others HS2, the extension to the i54 business area and the Wolverhampton western orbital road. This growth agenda is mirrored locally by high levels of development indicated in the Telford Local Plan. At the same time Staffordshire which is by far the leading sand and gravel producing area in the region, is reducing production (from @6.5m tonnes to 5mt per year) and there are no longer any producing quarries in Staffordshire west of Wolverhampton. This has led to increasing demand for sand and gravel production in eastern Shropshire. In view of this it is reasonable to assume that Shropshire will continue to experience increased demand for sand and gravel relative to historic norms as businesses begin to recover from the current health emergency.
- 6.13 Condover Quarry supplies an established local market for sand and gravel, including a significant 'internal market' which forms part of the company's wider bulk material supply business. Sand and gravel is mixed with other Hanson bulk materials to produce value added products such as roadstone, concrete and bagged products for the DIY market. If the proposed extension was not to proceed sand and gravel could in theory be purchased from competitors. However, this is unlikely to be economic and would also deflect mineral from other operators in Shropshire, thereby indirectly affecting existing markets. The company would need to commence production urgently at its dormant site at Sleaf airfield in order to secure a continued supply of sand and gravel at a competitive price.
- 6.14 In conclusion, it cannot be said that the proposals would meet an unmet need as this need could be met equally in theory from Sleaf or from other operators who produce similar mineral. There are however a number of extenuating circumstances in support of the proposals including in particular the ability to effectively prevent sterilisation of the last significant mineral resource at Condover and to significantly delay the time when the company needs to enter its site at Sleaf airfield which has a well-established aviation use (see succeeding section).
- 6.15 The second test - MD5(3.ii) - The proposal would not prejudice the development of the allocated sites:
The allocated sites in the SAMDev plan are Wood Lane, Gonsal and Morville extension. The Wood Lane allocation was permitted in 2016 and is in production so cannot be directly affected by the current proposals. The Gonsal north extension at Condover near Shrewsbury has not yet come forward and a different application for a southerly extension to Gonsal has recently been submitted instead due to access difficulties with the allocated site. Gonsal does not supply Hanson's internal market and the 2 quarries have co-existed successfully in relative proximity for decades. There is no reason to suspect that this would not continue to be the case if an extension is approved at Gonsal. The Morville extension west of Bridgnorth would serve a different market divided between the West Midlands and Telford, as is the case with the existing nearby quarry at Bridgwalton. It is not considered that there would be any obvious conflict between the proposed site and the 2 remaining undeveloped SAMDev allocations. The requirement of policy MD5(ii) is therefore met. As both MD5(3i) and MD5(3ii) are met the requirements of the policy overall are satisfied. However, it remains appropriate to assess compliance with policy MD5(3iii) which also links to a number of other adopted policies.

- 6.15 The third test – MD5(3.iii) - significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.
MD5(iiiia) – Exchange or surrender: The proposals do not involve any exchange or surrender of existing mineral sites or permissions so this policy test is not met.
- 6.17 MD5(iiiib) Significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits: The application is accompanied by an Environmental Statement which concludes that there are no unacceptably adverse environmental effects once mitigation has been applied. This conclusion has generally been accepted by planning consultees, none of whom have objected. The proposals also offer significant benefits through the biodiversity gains which would be generated by the restoration proposals, and through delivery of a proposed long-distance footpath link between Condover and Bayston Hill. These benefits are acknowledged and compare favourably with the benefits offered through restoration of the allocated sites and other mineral schemes in Shropshire. Some of these benefits are already secured through restoration conditions linked to the existing planning permission. However, the applicant is proposing that the footpath link is formalised as a right of way and is established at least in part on previously restored quarry land at an early stage in the proposed quarrying operation.
- 6.18 Condover Parish Council has supported the footpath proposals and it is considered that this supports the requirement under Policy MD5(3iii) for a windfall proposal to offer significant environmental benefits. It could be argued that these benefits render the proposals significantly more acceptable overall than the allocated sites in accordance with Policy MD5(3ii). The environmental issues raised by the proposals are considered further in succeeding sections.
- 6.19 Conclusion on compliance with Policy MD5(3) The proposals would effectively prevent sterilisation of the last significant mineral resource at Condover. The requirement of Policy MD5(3i) is therefore met. They would also not prevent the allocated sites from coming forward so the requirement of policy MD5(3ii) is also met. As such, the proposals are compliant overall with policy MD5(3) without the need to demonstrate compliance with the other policy tests set out in MD5(3).
- 6.20 The proposals would not meet an unmet need under policy MD(3i) though there are significant extenuating circumstances which support the need for continued supply of mineral from Condover. They do not offer any exchange and surrender deals under MD5(3iii). However, they do offer significant environmental benefits and could be said to be significantly more acceptable overall than the allocated sites. This is evidenced by the absence of objection from statutory consultees and Condover Parish Council and the generally low volume of public opposition which contrasts with other recent quarrying schemes in Shropshire. The concerns raised in the 2 objection letters received are considered further in succeeding sections.

HIGHWAYS AND TRAFFIC

- 6.21 The NPPF advises that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. The

proposed development does not seek to intensify output from the Site but will extend the life of the site for a further 14 -15 years at an output of between 150,000 and 200,000 tonnes per year. Access to the quarry is obtained via a junction on Condover Road with all quarry HGV's routed north towards the A49. The junction provides sufficient space and visibility and a capacity assessment shows that it will continue to operate with ample spare capacity.

- 6.22 An accident survey finds that there have been no personal injury accidents involving HGV's in the vicinity of the quarry over the last 5 years and therefore concludes that there are no inherent accident problems associated with the local highway network which would prevent continued operations at Condover Quarry. A traffic survey indicates that the quarry typically generates an average of 30 HGV departures per day, while the maximum output when the quarry operates at full capacity does not exceed 44 loads a day. A similar level of HGV arrivals occurs at the Site. Quarry employees generate a total of 12 trips per day (arrivals and departures) and this would remain the same for the proposed extension. The survey concludes that the proposed development will have a minimal impact on the local highway network and will not result in any road safety issues.
- 6.23 The Council's highway advisor has not objected to the proposals subject to recommended conditions and informative notes but has indicated that an appropriate contribution towards highway maintenance on the access route to the A49 should be obtained by a legal agreement. This is in recognition that the proposals would prolong the level of HGV movements on the local highway for a further 14-15 years. The applicant has agreed and subject to this it is considered that the proposals comply with relevant policies and guidance on highways and road safety (MD17.i).

NOISE:

- 6.24 The Minerals practice guidance accompanying the NPPF (published 17 October 2014) includes guidance on noise. Applicants should consider the main characteristics of the production process and its environs including measuring background noise levels, assessing the likely future noise impact of the development and setting out monitoring and mitigation provisions. The conditioned noise limit for mineral working at the nearest noise-sensitive properties should not normally exceed the background noise level by more than 10dB(A) during normal working hours (0700-1900) or should be as near to this level as possible where not achievable. In any event levels for normal operations should not exceed 55dB(A) LAeq, 1h (free field)'.
- 6.25 The guidance also makes provision for increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year for essential site preparation and restoration works such as construction of screen mounds where this will bring longer-term environmental benefits.
- 6.26 The design of the scheme includes inbuilt noise mitigation. Screen mounds have been located on the southern and western boundaries between the excavations and the nearest dwellings. A 3m high hay bale noise screen is also proposed on the northern boundary for the benefit of properties at Norton Farm. Working faces would be aligned to form a noise barrier reflecting any extraction noise away from the dwellings. Stand offs have also been increased.

- 6.27 A noise assessment identifies nine sensitive residential receptors along Condover Road and Allfield Lane (see Fig 1). Whilst the quarry activities would sometimes be audible at these properties the assessment finds that existing levels around the proposed extension are dominated by road traffic noise from the A49 and Station Road. It indicates that for normal mineral extraction operations predicted worst-case noise levels will be below the limit of 50dB LAeq,1h set out in the current planning permission. For noisier temporary activities such as soil stripping predicted levels will also be below the 70dB(A) LAeq,1h limit stipulated in national minerals planning guidance, with maximum worst case predicted noise level of 64 db LAeq t at Allfield Cottages when soil stripping and placement works are occurring. Actual noise levels are expected to be significantly below the worst-case predicted levels for most of the proposed extension.
- 6.28 The noise assessment identifies two worst case instances early in phase 2 when normal mineral working may slightly exceed a level of 10db above the background level whilst remaining within the currently conditioned noise limit of 50db LAeq 1hr. This situation only arises on a Saturday morning when other background noise levels are reduced. The applicant therefore proposes that no Saturday working takes place in the affected area until the quarry floor is below 87m AOD when noise will be adequately attenuated by the quarry faces. A condition covering this has been recommended in appendix 1.
- 6.29 The noise report concludes that whilst noise levels will increase at sensitive receptors for a temporary period, the proposed activities are predicted to be within the required limits of acceptability at all times and are not expected to result in a significant adverse impact, or to give rise to significant noise intrusion. The applicant's noise consultant has provided some further clarifications on the noise report in response to a query from Regulatory Services who have not objected following this clarification.
- 6.30 Planning consultants acting for an occupant of Allfield Cottages express concerns that the noise assessment fails to take the local microclimate into account. Whilst there have been no previous noise complaints relating to operations at Condover Quarry it is recognised that the proposed extension is closer to residential property. The current scheme has been designed taking into account similar concerns raised in relation to a previous 2017 application which was subsequently withdrawn. Increased stand-offs have been provided to residential property and intervening screen bunding now includes a strategic area of 'sacrificial' planting near to Allfield Cottages.
- 6.31 Background noise levels have been measured at the nearest sensitive properties and the methodology for predicting noise levels is accordance with relevant Government guidance. Regulatory Services have not objected subject to a noise condition setting out relevant noise limits. Any planning permission would also include a requirement for the applicant to monitor noise compliance. Whilst the noise assessment predicts that temporary operations would also fall well within Government noise limits it is considered that an additional working hours restriction should also apply for such operations given the proximity of some residential property.
- 6.34 Additionally, it is recommended that any planning permission should include a condition requiring formal investigation of any noise (and dust) related complaints with implementation of mitigation measures where any complaint is validated by the planning

authority in consultation with Regulatory Services. Subject to this it is considered that the proposals can be accepted in relation to development plan policies covering noise.

DUST / AIR QUALITY

- 6.35 A dust and air quality report establishes baseline air quality around the proposed extension area, identifies dust sources and undertakes dust dispersion modelling for the plant site and the proposed extension. The scheme has been designed with measures to minimise dust including use of a field conveyor to transport mineral to the plant site, thereby avoiding the need for HGV haulage. The report states that the prevailing wind from the south west and local rain frequencies will ensure that the potential dust impact at all receptors is 'Negligible' to 'Slight' before any mitigation takes place.
- 6.36 Predicted worst case PM10 concentrations are higher than the recorded concentrations at two monitoring locations. Predicted PM10 and PM2.5 concentrations from the Site will have a negligible to slight effect on existing receptors. The assessment concludes that the sensitivity of surrounding receptors to potential respirable particulates from the proposed extension is 'Minor' to 'Negligible' before any mitigation takes place.
- 6.37 The assessment also concludes that the significance of potential air quality effects on ecological receptors including Bomere Pool SSSI is negligible. It should be noted that whilst the proposed extension is 800m to the south west of Bomere Pool SSSI at its nearest, the existing quarry operations are located to the immediate south-west of the SSSI. These existing activities have not previously attracted objection from ecological consultees and no adverse air quality effects have been observed at the SSSI. Site inspection has indicated no sign of visible dust on planting in the existing quarry shelter belt adjoining the SSSI.
- 6.38 There have been no complaints relating to dust from existing quarry workings where best practice dust control measures are employed including use of a field conveyor and application of water to damp down surfaces where necessary. The existing permission includes detailed dust control conditions. These would be strengthened further if permission is granted, in recognition of the greater proximity of residential property. In particular, requirements for dust monitoring on site boundaries nearest to residential property would be introduced and also formal procedure for investigating any validated complaints. Regulatory Services have not objected and subject to these measures it is concluded that the proposals can be accepted in relation to policies covering dust impact.

HIGHWAYS AND TRAFFIC

- 6.39 The proposed development does not seek to intensify output from the Site but will extend the life of the site for a further 14 -15 years based on an expected output of between 150,000 and 200,000 tonnes per year. Access will continue to be obtained via the existing junction onto the Condoover Road which provides sufficient turning radii for HGV traffic travelling to and from the north and suitable junction visibility. An accident survey finds that no personal injury accidents occurred in the vicinity of Condoover Quarry in the past 5 years which involved HGVs.

- 6.40 A traffic survey indicates that the quarry typically generates an average of 30 HGV return movements per day and maximum output does not exceed 44 return movements. Employees generate a further 6 return movements per day and this would remain the same for the proposed extension to the quarry. The assessment concludes that the proposed development will have a minimal impact on the local highway network and will not result in any road safety issues. This conclusion can be supported on the basis that levels of traffic would remain the same as for the existing quarry and these levels have not resulted in any identified highway impacts.
- 6.41 The Council's highway advisor WSP has not objected subject to conditions and advisory notes on highway matters. WSP has however noted that the proposals would extend the duration of existing HGV use of the access route to the quarry from the A49 by another 14-15 years and that this in turn will lead to further wear and tear on the public highway. In recognition of this the applicant has agreed to make a financial contribution towards future highway maintenance and this would be secured by means of a legal agreement under the Planning Act. An appropriate sum has been agreed with the applicant. Subject to this it is considered that the proposal are compliant with relevant policies and guidance covering highway matters.

LANDSCAPE AND VISUAL IMPACT

- 6.42 The main visual implications of the proposed extension arise from 1) closer views towards the site from the dwellings to the south and west; 2) views from Station Road to the south / south west and 3) longer distance views from elevated land at Lyth Hill Country Park 2.1km to the west. A landscape and visual impact assessment sets out the following measures which will be undertaken to mitigate the visual effects of the proposed development:
- A 3m screening mound on the western boundary hides the existing hill crest which will screen Condover Road, Norton Cottage and Kings Furlong.
 - A 5m bund along Allfield Lane to the south that will hides the existing hill crest from Allfield Lane.
 - Early tree and hedge planting at the start of Phase 1 - on the southern limit of Phases 1 and 2;
 - Early tree and hedge planting at the start of Phase 1 on the northern limit of Phase 3; and
 - Early tree and hedge planting at the start of Phase 1 in the south west field corner opposite Norton Lodge to screen views from Norton Lodge and reduce visual impacts on longer views from Station Road.
 - A phased working scheme that uses the ridge in the proposed extension area to screen Phases 1 and 2. Phases 1 and 2 will be largely hidden to views from the west using the hill crest as a screen;
 - Early restoration of Phases 1 and 2 perimeter faces is proposed so that as Phase 3 is worked, it will reveal restored back faces rather than open quarry working faces.
 - Phase 3 is the most prominent phase when viewed from the west and will be worked in three sub-phases to restrict the amount of open working visible at any one time.
 - Phase 4 is a single phase set at a level that cannot be easily viewed from outside the site boundary.

The assessment concludes that these mitigation measures will ensure that any visual impact is controlled to an acceptable level.

- 6.43 Screen bunds can be perceived as unnatural features. However, the larger 12-16m high screen bunds formed along the western edge of the existing quarry have assimilated well into the landscape and are not perceived as unnatural, having been constructed sensitively with rounded profiles. The visual appraisal confirms that smaller 3-5m screen bunds would suffice to screen the proposed extension, with use being made of the ridge in the middle of the extension to provide additional screening. Close attention will need to be paid to the form of the proposed screen bunds given that they will be close to and visible from residential property. The proposal to undertake sacrificial planting to further soften the appearance of the bund nearest to Allfield Cottages is to be welcomed.
- 6.44 There would be some partial views towards the proposed quarry from Lyth Hill during part of phase 2 and all of Phase 3. However, dividing phase 3 into 3 segments, will reduce the area of exposed ground and working area which can be viewed from Lyth Hill at any one time. These temporary views would be at a distance of more than 2.1km and would form a small and peripheral part of a wide panorama as seen from the Country Park. Mitigation will include early landscape planting and rapid greening over of the rear slope of Phase 1. The visual appraisal assesses the magnitude of impact overall as slight - slight/moderate with minor - intermediate significance.
- 6.45 The officer has visited the site and surrounding public viewpoints and supports the applicant's conclusion that any visual effects would be minor having regard to the design of the proposals and the available mitigation measures. Any residual effects are significantly outweighed by the benefits of mineral working as set out in the NPPF.

ECOLOGY

- 6.46 The Site is a mix of active quarry and land in active arable use. The proposed extension area is primarily contained within a single 22ha field under regular arable cropping. As such there is little suitable habitat for protected species. An ecological survey finds that there are several properties with bat roost potential adjacent to the proposed extension. Great crested newts are present in the vicinity of the existing quarry, having been translocated from the quarry in 2011. Two juvenile great crested newts were found in the quarry excavation during the walkover survey in June 2016 but the Southern extension is not thought to contain them given the intensive arable use. The hedgerows and woodland bordering the proposed extension have potential for nesting and foraging birds but would be untouched by the development..
- 6.47 There are three statutory protected sites within 2 km of the proposed extension. These are The Midland Meres and Mosses Phase 1 Ramsar site and Bomere, Shomere and Betton Pools Site of Special Scientific Interest (SSSI) and Rea Brook Valley Local Nature Reserve (LNR). The Ramsar and SSSI are located adjacent to the current quarry in the north east and the Local Nature Reserve around 1.9 km to the north. The Cound Brook Local Wildlife Site (LWS) lies approximately 600m to the south east. Working of the proposed extension has limited potential for any significant effects on the identified receptors.

- 6.48 The statutory sites would not be affected directly and the hydrological appendix in the Environmental Statement shows that there is no potential for indirect effects from de-watering. Hydrological information obtained by the company over many years confirms that the water bodies in the Bomere and Shomere Pool RAMSAR site are sealed at the base, fed by surface water and have no direct connection to the regional groundwater table which is at a much lower level. The mineral in the extension is the southern continuation of the linear deposit of a glacial river system which has been worked at the existing quarry and forms part of the same hydrogeological system which has been found not to impact on the RAMSAR site. Hence, working of the extension area 800m from the nearest part of the RAMSAR site would also not be expected to affect the existing hydrological regime at this designated site. The discharge from de-watering to the Cound Brook LWS is via an approved discharge that requires all water to be settled before being discharged. The applicant's air quality assessment also indicates that there would not be any air quality impacts on designated sites including the RAMAER site which adjoins the current quarry workings.
- 6.49 There is no potential for direct or indirect effects on roosting/foraging and commuting bats. However, restoration has the potential to provide enhanced foraging and commuting habitats for any bats that may be roosting in the local area. There is negligible risk that great crested newts present in the current quarry could use the boundaries of the proposed extension as part of their terrestrial habitat. The proposed extension is located more than 350 m from nearest recorded location of great crested newts. Policy L3 adopted by Natural England provides for situations where great crested newts colonise into areas such as working quarries with lagoons for breeding and large areas of suitable terrestrial habitat. Provided that on restoration aquatic and terrestrial habitat for great crested newts is provided for in the long-term, it is accepted that extensive clearance does not have to be undertaken. The restoration proposals would involve the provision of extensive areas of suitable aquatic and terrestrial habitat.
- 6.50 There is limited potential for an effect on nesting birds as the boundary habitats would remain undisturbed and soil stripping and restoration would be undertaken mainly between end August - end February i.e. outside of the nesting bird season. If soil movement is necessary during the nesting season a prior nesting survey would occur before any work starts.
- 6.51 Natural England and the Council's ecology section have not responded to the planning consultation which took place in March / April 2019. The officer has subsequently prompted the latter for a response but this has not been received. The proposals have therefore been assessed on the basis of standing advice published by these consultees. Given the findings of the applicant's ecological report as listed above it is concluded that the proposals would not be likely to impact on designated sites either directly or indirectly through air quality or hydrology. Nor it is considered that there would be any impacts on protected species or habitats given the current intensive arable use of the extension area and the fact that peripheral vegetation would not be affected.
- 6.52 Restoration affords the potential for an increase in biodiversity through the creation of a range of habitats not currently found in the proposed extension area. This is in accordance with the requirement for a nett gain in biodiversity which is set out in the NPPF. It is concluded that the proposals accord with relevant policies and guidance on ecology.

WATER ENVIRONMENT

- 6.53 An assessment of the Proposed Development on the water environment at the Site and the surrounding area has been undertaken. A Hydrogeological Conceptual Model has been produced in accordance with Environment Agency advice and identifies the potential sources of groundwater recharge, groundwater pathways and potential sensitive receptors. This has been used to undertake a Hydrological Impact Assessment which concludes that with the implementation of mitigation measures, the effects of the Proposed Development on water environment of the Site and the surrounding area will not exceed minor and therefore will not be significant. Further support for this conclusion comes from the knowledge of the hydrological regime of the existing quarry where mineral extraction and associated hydrological evaluation has been ongoing since 1961.
- 6.54 The Environment Agency has requested some additional information on the hydrological context of the site which the applicant has provided. The Agency has subsequently accepted that sufficient information has been submitted for the purposes of the current application and has withdrawn a previous holding objection subject to imposition of a hydrological monitoring condition. The proposals cannot proceed below groundwater level until Phase 4 (year 9) at which time the applicant will need to for a groundwater abstraction license. Working below the current groundwater level is allowed under the existing planning permission and there is already associated discharge consent licence to allow water to be sent to the Cound Brook. The Agency has agreed that any further information which may be necessary on groundwater can be provided when the applicant applies for an abstraction licence for the southern extension area, in circa 7 years' time. Water abstraction is not permitted until the Agency has issued an abstraction licence.
- 6.55 A flood risk assessment concludes that the proposals have a very low risk of surface water flooding. No flooding has been encountered as a result of the existing quarrying operations. It is concluded that the proposals can comply with policies and guidance covering the water environment subject to the recommended conditions.

ARCHAEOLOGY

- 6.56 An archaeological assessment concludes that there is a low risk of encountering archaeological remains within the site. It is proposed to undertake archaeological monitoring prior to development of each quarry phase. In the event that archaeological remains are identified during these works, an appropriate level of archaeological investigation and recording will occur. The Council's archaeology section has not objected subject to the imposition of an archaeological monitoring condition.

SOILS

- 6.57 The NPPF requires protection of best and most versatile (BMV) agricultural land and indicates that land of poorer quality should be considered first. However, the NPPF also advises that 'great weight' should be given to the benefits of mineral extraction and recognises that minerals can only be worked where they are found. The NPPF requirement to deliver net ecological gain also must be weighed in the planning balance when considering effects of mineral working on BMV land.

- 6.58 Soils in the existing quarry have been placed in long-term storage and saved for use in areas designated for agricultural restoration under current operational consent. A soil assessment for the proposed 22 ha extension finds that 75% of the area(16.20 ha) is of best and most versatile quality of which 11.55ha of this is high quality grade 2 land with the remaining 4.56ha being subgrade 3a. The remaining 4.52 ha of agricultural land within the proposed extension falls within subgrade 3b and is of moderate quality. The re-use of BMV soils within the proposed extension area will enable up to 10.9 ha to be restored or improved to BMV status in the longer term, resulting in a net loss of 5.30 ha of BMV land. This is dependent on a high quality of restoration and aftercare being maintained in the restored agricultural areas. Detailed conditions have been recommended in Appendix 1 to facilitate this.
- 6.59 The protection afforded to BMV land by the NPPF is acknowledged, as is the great weight which should be attributed to national policy and the requirements for net biodiversity gain. A succeeding section indicates that if the current proposals do not proceed at this stage there is a risk that the mineral in the site may be effectively sterilized as the applicant would need to restore Condover Quarry and move production to a different site. Additionally, the restoration proposals will result in significant ecological benefits through provision of species rich grassland, woodland and wetland within the restored site which would form part of a wider habitat area delivered when the existing quarry workings are restored.
- 6.60 There would be an added benefit to the local community through delivery of a footpath linking the villages of Condover and Bayston Hill and affording scenic views of the restored quarry site including woodland and lakes centered along a 1.5km valley. When taking the benefits of the proposals into account it is considered on balance that these demonstrably outweigh the loss of 5.3ha of best and most versatile agricultural land.

SLEAP AIRFIELD

- 6.61 If the current proposal does not proceed then the company will need to transfer production to an alternative site. Hanson has 2 dormant sites in Shropshire at Cound and Sleaf Airfield. It is likely that production would transfer to Sleaf as the reserve is much larger than at Cound and Cound is a predominantly sand rich deposit compared to Sleaf, It is therefore more likely to justify the significant investment in setting up a new producing sand and gravel site at Sleaf. However, Sleaf has a well-established aerodrome which is the only such use in Shropshire and provides valuable flying experience and significant investment in the local economy. The chairman of Sleaf Aeroclub has written in support of the current proposals which would secure the future of the aerodrome for a further 14 years. This is a material consideration which weighs in favour of the current proposals.

CUMULATIVE AND IN COMBINATION EFFECTS

- 6.62 It is considered that the individual effects identified by the Environmental Statement can be effectively mitigated and conditioned to avoid any cumulative effects. There will be times when temporary works may lead to a coincidence of noise and visual or other effects. However, the Environmental Statement reports support the conclusion that the level of any such effects would remain well within relevant guidance. There are no other

developments in the vicinity of the proposed extension which would lead to any significant cumulative effects.

6.62 The concerns raised by a planning consultant and a local resident in relation to amenity are acknowledged and comprehensive planning conditions have been recommended to protect residential amenity. It is concluded that the proposals can be accepted in relation to cumulative and in-combination impacts subject to the recommended conditions.

7. CONCLUSION

7.1 The site is not allocated in the SAMDev Plan but extensions to existing quarries are generally regarded as preferable to new sites and Condover Quarry has a good track record and a well-known environmental context. It is considered that the proposals clearly meet the criteria for a windfall site which are set out in SAMDev Policy MD5(3).

7.2 Whilst sand and gravel reserves in Shropshire currently exceed the minimum 7 year landbank requirement the NPPF states that this should be regarded as a minimum and that exceeding 7 years is not a reason for refusal. In the case of Shropshire a significant proportion of the landbank is tied up in 3 dormant sites with historical permissions which skew figures regarding the amount of sand and gravel available. There is a high degree of certainty that the reserves at Condover would be worked and it is considered that this would avoid the effective sterilisation of the reserve which may occur if the proposals were not to proceed at this stage.

7.3 The level of public objection is low relative to other recent mineral schemes in Shropshire with two objections having been received by / on behalf of local residents. These concerns are fully acknowledged and are addressed in this report. The design of the proposals has also been amended following representations received on an earlier 2017 application which has since been withdrawn. There are no outstanding objections from statutory consultees responding to the planning consultation. Comprehensive planning conditions have been recommended including additional amenity protection controls which are not included in the current operational planning consent.

7.4 The individual effects of the proposals and the potential for cumulative effects has been assessed. It is considered that no issues have been identified which would be likely to give rise to unacceptable impacts on the local environment or amenities after mitigation. This is having regard to the inbuilt safeguards in the design of the scheme and the recommended planning conditions. It is concluded that proposals can be accepted in relation to relevant development plan policies and guidance and other material planning considerations.

8. RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the recommendation below.

Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9. FINANCIAL IMPLICATIONS

There are likely financial implications of the decision and/or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=POKEHETD06Z00>

10. PLANNING POLICY

10.1 Central Government Guidance: National Planning Policy Framework 2019

203. Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it

is important to make best use of them to secure their long-term conservation.

205. When determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,³¹ and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

207. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;
- making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- taking account of published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral

- plans;
- making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;
 - ensuring that large landbanks bound up in very few sites do not stifle competition; and
 - calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

Shropshire Core Strategy

CS20: Strategic planning for Minerals

Shropshire's important and finite mineral resources will be safeguarded to avoid unnecessary sterilisation and there will be a sustainable approach to mineral working which balances environmental considerations against the need to maintain an adequate and steady supply of minerals to meet the justifiable needs of the economy and society. This will be achieved by: Protecting the Mineral Safeguarding Areas (MSA's) and rail freight facilities which could contribute to the sustainable transport of minerals which are identified in Figure 10. Non-mineral development in these areas or near protected railfreight sites will be expected to avoid sterilising or unduly restricting the working of proven mineral resources, or the operation of mineral transport facilities, consistent with the requirements of national and regional policy. Encourage greater resource efficiency by supporting the development and retention of waste recycling facilities which will improve the availability and quality of secondary and recycled aggregates in appropriate locations as set out in Policy CS 19; Maintaining landbanks of permitted reserves for aggregates consistent with the requirements of national and regional policy guidance. 'Broad locations' for the future working of sand and gravel are identified in Figure 11. Sites capable of helping to deliver the sub-regional target for sand and gravel will be allocated within these areas in the Site Allocations and Management of Development DPD; Only supporting proposals for sand and gravel working outside these broad locations and existing permitted reserves, where this would prevent the sterilisation of resources, or where significant environmental benefits would be obtained, or where the proposed site would be significantly more acceptable overall than the allocated sites; Supporting environmentally acceptable development which facilitates the production of other mineral resources such as crushed rock, clay and building stone to meet both local needs, including locally distinctive materials, and to help meet cross boundary requirements. Environmentally acceptable proposals for the exploration, appraisal and production of hydrocarbon resources, including coalbed methane, will be supported as a contribution to meeting the requirements of national energy policy; Requiring development applications for mineral working to include proposals for the restoration and aftercare of the site. Priority will be given to environmentally acceptable proposals which can deliver targeted environmental or community benefits consistent with Policies CS8 and CS17. More detailed policies against which applications for mineral development can be assessed will be provided in the Site Allocations and Management of Development DPD.

SAMDev Plan

Policy MD5: Sites for Sand and Gravel Working

1. The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted sites and then from the development of mineral working at the site identified on the Proposals Map and allocated in Schedule MD5a below;
2. Where monitoring demonstrates that the further controlled release of sand and gravel reserves is required, then the subsequent development of mineral working will be considered at the sites identified in Schedule MD5b below. Applications for earlier development of these sites will be considered on their merits. In considering any such application, particular regard will be paid to:
 - i. the need for minerals development to maintain an adequate and steady supply of sand and gravel consistent with the established production guideline;
 - ii. the need to control potential cumulative impacts associated with concurrent or sequential mineral extraction operations in a specific area, including through the imposition of output or timescale restrictions where these are necessary to reduce the potential for market oversupply and cumulative adverse environmental impacts;
 - iii. whether the early release of the site would enhance sustainability through meeting an identified local need.
3. Proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate that:
 - i. the proposal would meet an unmet need or would prevent the sterilisation of the resource; and,
 - ii. the proposal would not prejudice the development of the allocated sites; and,
 - iii. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.

Schedule MD5a: Phase 1 Site Allocations:

Development of the allocated mineral sites identified on the Proposals Map should be in accordance with relevant Local Plan policies and the development guidelines set out in this schedule.

MD16 - Mineral Safeguarding

Transport and processing facilities will not be granted unless the applicant can demonstrate that:

1. The development proposed would not prevent or unduly restrict the continued operation of the protected infrastructure; or,
2. That the identified facilities are no longer required or that viable alternative facilities are available. MSA boundaries and protected mineral transport and processing facilities are identified on the Policies map and insets. The buffer zones which will apply to protected resources and facilities are identified in the explanatory text below.
3. Applications for permission for non-mineral development in a MSA must include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the development or the protected mineral handling facility (termed a Mineral Assessment). This assessment will provide information to accompany the planning application to demonstrate to the satisfaction of the MPA that mineral interests have been adequately considered and that known mineral resources will be prevented, where possible, from being sterilised or unduly restricted by other forms of development occurring on or close to the resource;

4. Identification of these areas does not imply that any application for the working of minerals within them will be granted planning permission.

MD17: Managing the Development and Operation of Mineral Sites

1. Applications for mineral development will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. Particular consideration will be given (where relevant) to:
 - i. Measures to protect people and the environment from adverse effects, including visual, noise, dust, vibration and traffic impacts;
 - ii. The site access and traffic movements, including the impact of heavy lorry traffic on the transport network and the potential to transport minerals by rail. Where opportunities to transport minerals by rail are not feasible there will be a preference for new mineral sites to be located where they can obtain satisfactory access to the Primary Route Network;
 - iii. The cumulative impact of mineral working, including the concurrent impact of more than one working in a specific area and the impact of sustained working in a specific area;
 - iv. Impacts on the stability of the site and adjoining land and opportunities to reclaim derelict, contaminated or degraded land (Policy CS6);
 - v. Effects on surface waters or groundwater and from the risk of flooding (Policy CS18);
 - vi. Effects on ecology and the potential to enhance biodiversity;
 - vii. The method, phasing and management of the working proposals;
 - viii. Evidence of the quantity and quality of mineral and the extent to which the proposed development contributes to the comprehensive working of mineral resources and appropriate use of high quality materials;
 - ix. Protecting, conserving and enhancing the significance of heritage assets including archaeology.

Where necessary, output restrictions may be agreed with the operator to make a development proposal environmentally acceptable.

2. Mineral working proposals should include details of the proposed method, phasing, long term management and maintenance of the site restoration, including progressive restoration towards full reinstatement of occupied land and removal of all temporary and permanent works. A satisfactory approach will avoid the creation of future liabilities and will deliver restoration at the earliest practicable opportunity to an agreed after-use or to a state capable of beneficial after-use. Where the proposed after-use includes agriculture, woodland, amenity (including nature conservation) or other uses, a satisfactory scheme will need to include the following:
 - i. Proposals which take account of the site, its surroundings, and any development plan policies relevant to the area;
 - ii. Evidence to show that the scheme incorporates best practice advice and is practical and achievable;
 - iii. A Management Plan, which should address the management requirements during each phase of the proposed development;
 - iv. A Reclamation Plan;
 - v. Provision for a 5 year period of aftercare;

Where appropriate, a planning obligation will be sought in order to secure the after-use, long term management and maintenance of the site.

3. Proposals for the working of unconventional hydrocarbons should clearly distinguish between exploration, appraisal and production phases and must demonstrate that they can satisfactorily address constraints on production and processing within areas that are licensed for oil and gas exploration or production. Particular consideration will be given to the need for comprehensive information and controls relevant to the protection of water resources;
4. Where relevant, applications for the winning and working of coal should include proposals for the separation and stockpiling of fireclay so that its value as a mineral resource can be captured;
5. A flexible approach will be adopted to the duration of planning consents for very small scale, intermittent but long term or temporary working to work locally distinctive building and roofing stone consistent with the objectives of Policy MD2;
6. Where ancillary development is proposed, proposals should include satisfactory measures to minimise adverse effects, including:
 - i. Locating the ancillary development within or immediately adjacent to the area proposed for mineral working or on an established plant site;
 - ii. Restricting the principal purpose to a purpose in connection with the winning and working of minerals at the site or the treatment, storage or removal of minerals excavated or brought to the surface at that site;
 - iii. For imported minerals, where necessary, to limit the quantities involved to control the volume and type of traffic, and the establishment of an acceptable route for the traffic to and from the site;
 - iv. The cessation of the ancillary development when working of the mineral for which the site was primarily permitted has ceased and removal of plant and machinery to allow full restoration of the site.

Where ancillary development could have an adverse effect on the local environment which cannot be mitigated to acceptable levels, a condition may be attached to the planning permission to control the adverse effects by limiting development to an established plant site, or introducing a stand off from sensitive land uses, or mitigating effects in other ways, or as a last resort, withdrawing permitted development rights so that the ancillary development can be properly controlled by the terms of the planning permission
11. HUMAN RIGHTS
 - 11.1 Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation
- 12 RELEVANT PLANNING HISTORY:
 - 09/02178/A21 Approval of details required by condition 13 of Planning Permission Ref SC/MS2008/1225/SY for extension to PPNREQ 21st August 2009;

- 11/01261/DIS Discharge of condition 50 (plan defining the different aftercare agricultural and non-agricultural areas and the anticipated aftercare timescales) attached to planning permission SC/MS2008/1225/SY - Extension of sand and gravel extraction into 4.4 hectares of agricultural land; together with the minor reconfiguration of the mineral extraction boundary within the existing quarry curtilage by widening working into 0.6 hectares of land to release additional reserves; and the retention and utilisation of existing quarry facilities NPW 10th March 2011
- 11/01328/DIS Discharge of condition number 50 (aftercare) attached to planning permission reference SC/MS2008/1225/SY - Extension of sand and gravel extraction into 4.4 hectares of agricultural land; together with the minor reconfiguration of the mineral extraction boundary within the existing quarry curtilage by widening working into 0.6 hectares of land to release additional reserves; and the retention and utilisation of existing quarry facilities PCO
- 12/04638/DIS Discharge of Condition 40 (Restoration detail of the habitat creation areas) attached to planning ref. MS2008/1225/SY. Extension of sand and gravel extraction into 4.4 hectares of agricultural land; together with the minor reconfiguration of the mineral extraction boundary within the existing quarry curtilage by widening working into 0.6 hectares of land to release additional reserves; and the retention and utilisation of existing quarry facilities DISAPP 17th December 2012
- 15/01476/VAR Variation of condition 5 (time constraints) pursuant to MS2008/1225/SY to allow for continuation of mineral extraction GRANT 26th January 2015
- 17/02833/MAW Extraction of sand and gravel with restoration to agriculture, open water and ecological habitat WDN 21st May 2019
- 17/02834/VAR Variation of conditions pursuant to 15/01476/VAR to enable the working of a proposed southern extension (conditions to be varied 2a, 2b, 5, 33, 34a, 43a, 44) WDN 21st May 2019
- 19/01261/MAW Application for a southern extension to the existing sand and gravel quarry, retention of all existing operational facilities and site access and revised restoration of the existing site PDE
- 19/05025/VAR Variation of Condition No.5 attached to planning permission 15/01476/VAR to extend the time period for completion of mineral extraction and restoration PCO
- SC/MS2008/1225/SY Extension of sand and gravel extraction into 4.4 hectares of agricultural land; together with the minor reconfiguration of the mineral extraction boundary within the existing quarry curtilage by widening working into 0.6 hectares of land to release additional reserves; and the retention and utilisation of existing quarry facilities GRANT 10th July 2009
- SC/MS1998/0832/SY Extension of quarry operations onto 11 hectares of land together with the retention of the existing quarry facilities and a revised restoration scheme for the entire site PERMIT 17th August 1999

List of Background Papers:

Planning Application reference 19/01261/MAW and the accompanying Environmental Statement.

Cabinet Member (Portfolio Holder): Cllr G Butler

Local Member: Cllr Dan Morris

Appendices: Appendix 1 – Conditions

Appendix 2 - Habitats Regulations Assessment (HRA)

APPENDIX 1

Legal Agreement Clauses:

(to be carried forward / AMENDED from application SC/MB2005/0336/BR)

- i. Traffic routing and management agreement including preventing mineral lorries from leaving in or approaching from a southerly direction except where local access is required;
- ii. Funding by the developer (£15k) towards the repair and a maintenance of the stretch of local highway between the site access and the A49 over the operational life of the proposed extension.
- iii. Delivery of footpath link through the quarry site allowing pedestrian linkage between Condover and Bayston Hill.

Conditions

1. The development to which this planning permission relates must be begun not later than the expiration of three years from the date of this permission. The date at which development is begun shall be referred to hereinafter as ‘the Commencement Date’.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990.

DEFINITION OF THE PERMISSION

- 2a. This permission shall relate to the area edged red on the Land interest and planning application area plan approved location plan accompanying the application (Drawing no. LD104-CQ-108) hereinafter referred to as the “Site” and comprising the existing quarry plant site and the southern extension area.
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme which comprises the following:
 - i. The application form dated 14th March 2019
 - ii. The Non-Technical Summary;
 - iii. The planning application supporting statement;
 - iv. The Environmental Statement and accompanying appendices.
 - iv. The submitted drawings accompanying the Environmental Statement, namely:

- Condover Restoration - LD104-CQ-102
- Condover Working plan - Ph 1 - LD104-CQ-103;
- Condover Working plan - Ph 2 - LD104-CQ-104;
- Condover Working plan - Ph 3 - LD104-CQ-105;
- Condover Working plan - Ph 4 - LD104-CQ-106;
- Location Plan - LD104-CQ-107;
- Application Plan - LD104-CQ-108;
- Restoration plan including plant site - LD104-CQ-112;
- Condover working section - A-A LD104-CQ-109;
- Condover working section - B-B LD104-CQ-110;
- Condover working section - C-C LD104-CQ-111.

c. The Further information comprising:

- The updated technical note from Envireau Water dated 13/12/19.
- The letter from Landesign dated 2/07/19 responding to the objection from Leith Planning;
- The letter from Landesign dated 2/07/19 responding to statutory consultee comments;
- The response from WYG dated 13/05/19 to the consultation response from Shropshire Council Regulatory Services.

Reason: To define the Site and permission

TIME LIMITS

- 3a. No less than 7 days prior notice of the commencement of the first stripping of soils in the southern extension area under the terms of this permission shall be given in writing to the Local Planning Authority. Such date shall be referred to hereinafter as 'the Commencement Date'.
- b. No less than 7 days prior notice of the commencement of mineral extraction in the southern extension area shall be given in writing to the Local Planning Authority.

Reason: To define and provide appropriate advanced notice of the Commencement Date and the date for commencement of mineral working under the terms of this permission.

4. Extraction of sand and gravel from the site shall cease within 15 years of the Commencement Date and final restoration shall be completed within 2 years of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and restoration.

LIMITS OF MINERAL EXTRACTION

5. There shall be no entry into each new mineral working phase until the limits of that phase have been physically defined by wooden posts or other appropriate means. The

boundaries so marked shall be retained in position for the duration of the extraction operations within that phase.

Reason: To ensure that the limits of the extension area and of mineral extraction within the extension area are properly defined.

OUTPUT

- 6a. Mineral shall not be exported from the Site at a rate exceeding 250,000 tonnes per calendar year (commencing on 1st January and ending on 31st December).
- b. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

Reason: In the interests of highway safety and to ensure that the production and export of mineral is controlled at a level which will protect the amenities of the local area.

NOISE AND DUST

- 7a. Noise levels during normal mineral working operations shall not exceed a level of 50dB LAeq,1h (free field) at any of the 9 nearby noise sensitive receptor locations identified in the WYG noise assessment accompanying the Environmental Statement.
- b. Notwithstanding condition 7a, noise levels shall not exceed 70dB(A) LAeq 1h (free field) at any of the 9 sensitive receptor locations during temporary operations such as soil stripping. The increase in noise levels allowable for temporary operations shall not apply for more than 8 weeks in total in any year.
- c. A noise monitoring scheme to demonstrate ongoing compliance with the noise limits specified in conditions 7a and 7b above shall be submitted to the Local Planning Authority prior to the Commencement Date and the approved measures shall thereafter be implemented in full.

Reason: To protect the amenities of occupants of nearby properties from the adverse impact of noise emissions

- 8a. All plant and machinery used within the Site shall incorporate silencers in accordance with the manufacturers' specification and those silencers shall be maintained in good condition.
- b. All quarry plant and machinery which is required to be fitted with reversing alarms shall be fitted with attenuated or non-audible reversing alarms rather than reversing beepers.

Reason: To assist in safeguarding the amenities of the area from noise disturbance.

- 9. Water shall be applied to main haul roads and other areas as necessary within the Site in order to prevent the generation of dust by vehicular/plant traffic.

Reason: To assist in safeguarding the amenities of the area from dust disturbance.

10. In the event that a complaint is received regarding noise or dust impact and is subsequently validated by the Local Planning Authority the Developer shall submit a mitigation scheme for the approval in writing of the Local Planning Authority which shall provide for the taking of appropriate remedial action within an agreed timescale. The mitigation scheme shall be submitted within 10 working days from the day when the Developer is notified of the valid complaint and the scheme shall be implemented in accordance with the approved details.

Reason: To assist in safeguarding the amenities of the area from noise or dust disturbance by implementing an agreed procedure for dealing with any complaints.

LIGHTING

11. No additional fixed lighting shall be installed at the quarry unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. The submitted additional lighting details shall comply with current best practice guidance for the control of light pollution, including preventing adverse effects on wildlife. Following its approval, the new lighting shall be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of the area from light pollution.

HOURS OF WORKING

- 12a. Subject to conditions 12d and 12e the operations hereby permitted shall not take place other than between the following hours unless authorised in writing by the Local Planning Authority:

0700 hours and 1830 hours on weekdays;
0700 hours and 1300 hours on Saturdays.

- b. Unless otherwise first approved in writing by the Local Planning Authority no operations shall take place on Bank and Public Holidays and no operations other than maintenance as defined by condition 12c below shall take place on Sundays.

- c. Unless otherwise approved by the Local Planning Authority no maintenance of plant or machinery within the Site shall take place outside the hours of:

0700 hours and 1830 hours on weekdays;
0700 hours and 1700 hours on Saturdays;
0800 hours and 1200 hours on Sundays.

- d. Notwithstanding Condition 12a the following reduced working hours shall apply for mineral working and associated activity within 100m of the boundaries of the property known as Norton Lodge until the main working floor of the quarry in these nearest areas has exceeded a depth of 87m AOD whereupon the hours in Condition 12a shall apply.

0730 hours and 1800 hours on weekdays;
No working on Saturdays and Bank or Public Holidays.

The boundary shall be physically marked on the site.

- e. Notwithstanding Condition 12a the following reduced working hours shall apply for all earthmoving operations including soil stripping and bund formation within 100m of the boundaries of the properties known as 1 and 2 Allfield Cottage:

0730 hours and 1800 hours on weekdays;
No working on Saturdays and Bank or Public Holidays.

The boundary shall be physically marked on the site.

- f. Up to 6 temporary relaxations to the permitted hours in a-e per annum can be agreed by the submission of a prior 'temporary hours relaxation' scheme to be submitted in writing to the Local Planning Authority. The scheme shall include the following details:-
- The temporary relaxation required;
 - The duration of that relaxation;
 - The reasons justifying the temporary relaxation;
 - The likely operations being carried out during the temporary relaxation period.

The LPA may then choose to agree to such relaxation subject to such other conditions and restrictions during that temporary relaxation period as are reasonable.

Reason: In the interests of residential amenity.

HIGHWAYS

18. The internal access road from the Conover Road to the quarry plant site shall be maintained in an even and pothole free condition for the duration of the quarrying operation hereby approved.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

19. A wheel wash facility shall be maintained at the Site for the duration of the operations hereby permitted. Wheel cleaning shall be employed by all heavy goods vehicles leaving the Site so as to avoid the deposit of mud on the public highway. In those circumstances where mud or dust has been transported onto the metalled access road a tractor mounted brush or other similar device shall be employed in order to clean the road.

Reason: In the interests of highway safety.

Informative Notes:

- i. Mud on highway: The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

- ii. No drainage to discharge to highway: Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- iii. Works on, within or abutting the public highway: This planning permission does not authorise the applicant to:
- construct any means of access over the publicly maintained highway (footway/verge) or
 - carry out any works within the publicly maintained highway, or
 - authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
 - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

- iv. Extraordinary maintenance: The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.
- v. Protection of visibility splays on private land The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

RESTRICTION ON G.P.D.O. RIGHTS

20. Notwithstanding the provisions of Part 17 A of the Town and Country Planning General Permitted Development Order 2015 or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected without the prior written approval of the Local Planning Authority.

Reason: To ensure that any proposals to erect additional plant or structures within the Site are consistent with the need to protect the environment and visual amenities of the area, taking account of the ability of existing vegetation to perform an acceptable screening function.

DRAINAGE / POLLUTION

- 21a. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and shall be of either a double skinned construction or be surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

- 22a. Within six months of the date of this planning permission a groundwater and surface water level monitoring scheme shall be submitted for the written approval of the Local Planning Authority (LPA) in consultation with the Environment Agency. Thereafter the approved scheme shall be implemented in accordance with the approved plans. The Scheme shall include:

- i. Continued monitoring of the proposed monitoring boreholes identified in Table 1 of the Environmental Statement Appendix L – Scheme of Monitoring, Envireau Water, Rev: 30/3/2017. Such monitoring shall continue for the life of the development, until the expiry of the five year aftercare period;
 - ii. monitoring locations (surface and groundwater);
 - iii. method and nature of sampling/measurement;
 - iv. a programme detailing frequency and duration of monitoring along with details of how and when the monitoring data and the Scheme itself shall be reviewed to assess if impacts (if any) are occurring;
 - v. trigger levels when action is required to protect a water feature;
 - vi. details of any contingency and mitigation proposals should a trigger level be breached and an impact apparent at a water feature.
- b. In the event that monitoring of groundwater / surface water indicates that a trigger level approved under Condition 22a has been breached a report and scheme investigating the reason for the breach shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall set out mitigation proposals in the event that the monitoring data identifies a significant adverse impact or risk of deterioration which is likely to be attributable to the mineral extraction. The mitigation measures shall in such circumstances include provision for the mineral extraction to cease temporarily whilst investigation into the apparent deterioration is undertaken. The submitted proposals shall be implemented in accordance with the approved details.

Reason: To prevent any deterioration of ground or surface waters ('controlled waters' as defined under the Water Resources Act 1991), including surface and ground waters.

Notes:

- i. *The Environment Agency advises that an appropriate monitoring frequency would be at least monthly (for dip monitoring or time-series data via logger) during the extraction phase of development.*
- ii. *The Environment Agency advises that the existing quarry site currently being dewatered can be dealt with under transitional arrangements. In the case of “transitional” applications, mineral operators will have two years from the date when exemptions are lifted to submit a valid licence application. The Environment Agency will then have a period of up to five years to determine these licences, from the end of the initial two-year period. Provided that ‘valid’ applications are made prior to the two year deadline, the sites will be able to continue to dewater whilst the applications are being determined. Therefore if the applicant has not yet applied for a transitional licence for the dewatering activity on the quarry area currently in use they would need to seek to do so as soon as possible.*

Archaeology

- 23. No development approved by this permission shall commence until the implementation of a programme of archaeological work in accordance with a written scheme of investigation approved by the Local Planning Authority has been secured. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest

SOIL / MATERIAL MOVEMENT AND STORAGE

- 24. No waste, overburden or silt other than those arising as a direct result of the excavation and processing of mineral on the Site shall be deposited within the Site and such materials shall be used-in the restoration of the site.

Reason: To define the types of restoration material for use at the Site.

- 25. All topsoil and subsoil shall be permanently retained on Site for use in restoration and shall be stripped to its full depth within excavation areas.

Reason: To prevent loss or damage to soils and offset any shortfalls of soil by using geological material.

- 26. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purpose of undertaking the permitted operations. Essential trafficking routes shall be marked so as to give effect to this condition.

- b. No part of the Site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of soils, mineral or overburden, until all available topsoil and subsoil has been stripped from that area so affected. Where soils are stripped to less than 1 metre depth the developer shall take action to rectify this deficiency by using soil making materials recovered during the working of the Site.

Reason: To prevent damage to soil structure.

27. All topsoil, subsoil and soil making materials shall be stored in separate mounds which:
- i. do not exceed 3.5 metres in height for topsoil and 5 metres for subsoil unless otherwise approved by the Local Planning Authority;
 - ii. shall be constructed with external bund gradients not exceeding 1 in 2;
 - iii. shall be constructed with only the minimum amount of compaction to ensure stability and so shaped as to avoid the collection of water in surface undulations;
 - iv. shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
 - v. other than as set out in the proposed phasing plans, shall not subsequently be moved or added to until required for restoration unless otherwise agreed by the Local Planning Authority;
 - vi. shall be seeded or hydra-seeded as appropriate as soon as they have been formed;
 - vii. if continuous mounds are used, dissimilar soils shall be separated by either hay, sheeting or such other suitable medium.

Reason: To prevent loss of soil and minimise damage to soil structure.

SITE MAINTENANCE

28. All existing and proposed perimeter hedges, fences and walls shall be maintained and made stock-proof where appropriate from the commencement of the development until the completion of aftercare.

Reason: To protect the welfare of any livestock kept within the permitted Site and on adjoining land

29. All undisturbed areas of the Site shall be kept free from weed infestation by cutting, grazing or spraying as necessary.

Reason: To prevent a build-up of weed seeds in the soil, whilst protecting the nature conservation value of the non-agricultural areas.

SLOPE STABILITY

30. The stability of all slopes within the Site shall be the subject of ongoing review throughout the duration of the extraction, restoration and aftercare operations hereby approved. In the event that any stability problems with the potential to adversely affect adjacent land or the use of the site are identified following assessment by a competent person, such problems shall be notified to the Local Planning Authority within two weeks of them becoming apparent. Appropriate remedial measures, as determined by a competent person, shall then be employed in accordance with an agreed timescale, including if necessary drainage works and/or erosion remediation and/or buttressing with indigenous fill materials to ensure the continued stability of all areas within the Site.

Reason: To ensure slope stability is maintained.

ECOLOGY

31. A minimum of 3 external woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. Within 3 months of the commencement of development, the makes, models and locations of the bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure enhanced provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

32. Within 3 months of the commencement of mineral extraction from the Southern Extension, the makes, models and locations of bird boxes to be erected on site shall be submitted to and approved in writing by the Local Planning Authority. These shall include, but not be restricted to:

- i. 3x small open-fronted nest boxes suitable for Spotted Flycatcher (with a 75mm width open slot at the front) positioned 30-50m apart, at a height of 2 to 4m above ground with a clear outlook into open woodland;
- ii. 3x medium open-fronted nest boxes suitable for Song Thrush (with a 75 – 100mm width open slot at the front), positioned 30-50m apart, at a height of 2-4m above ground with a clear outlook into open woodland;
- iii. 3x small open-fronted nest boxes suitable for Dunnock (with a 75mm width open slot at the front) positioned 30-50m apart, at a height of 1 to 4m above ground close to dense foliage.

The nest boxes will be installed before the first nesting season after development commences and will be thereafter maintained for the lifetime of the development.

Reason: To mitigate for the loss of nesting sites and ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

- 33a. Prior to the erection of any new external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall:
- i. identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
 - ii. show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - iii. Include no lighting on the access road.
- b. All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development.

Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

Reason: To minimise disturbance to bats, which are European Protected Species.

34. Other than as shown on the extraction phasing plans approved in this permission, no felling of other boundary trees and scrub shall take place on the development site under the terms of this permission. Boundary trees and scrub will be retained and protected during the lifetime of the development and restoration phase.

Reason: To protect woodland wildlife including bats (EU Protected Species), Badger and nesting birds (nationally protected), to maintain viable habitat connections around the site in accordance with MD12 and CS17 Environmental Networks and in the interests of visual amenity.

- 35a. Prior to entering each of phases 1,2 and 3 a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority setting out the landscaping works proposed as part of the site development. The plan(s) shall include:

- i. Tree and shrub species lists for mixed native hedgerow and woodland creation including use of native species of local provenance (Shropshire or surrounding counties).
- ii. Numbers and planting patterns / mixes of trees and shrubs for hedge and woodland creation.
- iii. Means of ground preparation and planting pit specification where relevant.
- iv. Measures for tree protection and support (e.g. rabbit spirals and bamboo canes, or stakes and ties, or tree guards / shrub shelters).
- v. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- vi. Schedules of native plants of local provenance, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- vii. Planting plans;
- viii. Areas to be retained for natural regeneration with no or reduced spreading of topsoil;
- ix. Early year maintenance schedule (e.g. mulching and / or weeding, straightening and eventual removal of stakes and ties).
- x. Replacement of losses as appropriate to achieve 90% survival rates after 5 years.
- xi. Indicative timing of commencement and completion of the various phases of the scheme.
- xii. A scheme for the formation and treatment of water bodies to be established as part of the restoration of the Site including depths, gradient of banks, provision of safe and shallow shorelines, treatment of lake margins to promote the growth of appropriate vegetation and establishment of habitats and a timetable for the implementation of these works.
- xiii. A scheme for the restoration of the plant, stocks and lagoon areas.
- xiv. Fencing proposals;

The landscape and restoration plan shall be carried out as approved.

- b. The landscaping plan shall also identify the measures which shall be employed to maximise visual screening of the quarry plant site.
- c. Within 12 months of the date of this permission a restoration plan setting out the final indicative restoration proposals for the Site shall be submitted to the Local Planning Authority for its approval in writing. Such scheme shall set out those matters listed in conditions 35a (i-xvii) in relation to the final restoration plan for the Site. The approved final restoration plan shall be reviewed with the local planning authority as part of the annual review in condition 40. In the event that amendments to the existing scheme are identified during the annual review, a revised restoration scheme shall be submitted to the Local Planning Authority for written approval. Once approved, the restoration of the Site shall be implemented in accordance with the approved scheme and in accordance with any subsequent amendments to the scheme that are agreed in writing by the Local Planning Authority pursuant to this condition.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design (35a) and in the interests of visual amenity (35b).

- 36. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - i. Description and evaluation of the features within the Site to be managed;
 - ii. Aims and objectives of management;
 - iii. Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - vi. Personnel responsible for implementation of the mabitat management plan;
 - v. Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
 - vi. Subsequent submissions of remedial/contingency measures triggered by monitoring' in the event of indicators not being achieved.

Specific species management plans should also be provided in respect of Sand Martins, Badgers and bats. The plan shall be implemented in accordance with the approved details.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

Informative notes:

- i. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. If a great crested newt is discovered at any stage then all work must halt and an appropriately qualified and experienced ecologist and Natural England (0300*

060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

- ii. *All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences. During all building renovation, demolition and extension works there is a risk of encountering bats which can be found roosting in unexpected locations. Contractors should be aware of the risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc. If a bat should be discovered on site then development works must halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.*

REMOVAL OF PLANT AND STRUCTURES

37. All buildings, plant or structures within the permitted Site which have been installed in connection with the operations authorised under this permission and are not required in connection with the approved afteruse shall be removed from the Site within 24 months of completion of mineral extraction under the terms of this permission and the sites of such buildings, plant and machinery shall be restored in accordance with the provisions of the approved restoration and aftercare schemes.

Reason: To assist in securing the full and proper restoration of the Site within an acceptable timescale.

AFTERCARE

38. Aftercare schemes for agricultural and non-agricultural areas shall be submitted for each restored section of the Site as soon as restoration has been completed to the satisfaction of the Local Planning Authority. The submitted schemes shall provide for the taking of such steps as may be necessary to bring the land to the required standard for wildlife or amenity use as appropriate. The submitted aftercare schemes shall specify in relation to each phase the steps to be taken and shall include, as appropriate:
 - i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding or minor improvements to landform in habitat areas;
 - ii. measures to reduce the effects of compaction;
 - iii. cultivation works;
 - iv. reseedling where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
 - v. grass cutting or grazing;
 - vi. replacement of hedge and tree failures;
 - vii. weed and pest control;
 - viii. drainage including the construction/maintenance of ditches and soakaways;
 - ix. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;

- x. habitat management proposals within the aftercare period;
- xi. track maintenance within the Site;
- xii. repair to erosion damage;
- xiii. Drainage including the construction/maintenance of ditches, ponds or soakaways;
- ix. A system of under drainage where natural drainage is not satisfactory;
- x. Field Water Supplies.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

39. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 38 above shall be carried out in each stage for a period of five years* following the agreement of an aftercare scheme for that stage of restoration.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

ANNUAL REVIEW

- 40a. Before 1st February after the Commencement Date and after every subsequent anniversary of the Commencement Date for the duration of mineral working and restoration works under the terms of this permission an annual review of Site operations shall take place involving the Mineral Planning Authority and the Site operator. The Annual Review shall consider areas of working, mineral resource issues, progressive restoration and aftercare works undertaken during the previous calendar year and shall include proposals for working, restoration and aftercare for the forthcoming year. The Annual Review shall in particular review noise, dust, traffic, visual amenity associated with mineral working. It shall also detail proposals for aftercare works on all restored areas of the Site not already subject to an approved scheme, including areas of habitat management and planting, and shall take account of the need to provide the following as soon as practicable after the completion of the restoration operations:

- i. The steps to be taken and the period(s) during which they are to be taken in order to bring the land into approved afteruses, including habitat creation.
- ii. Drainage provisions as necessary for the restored areas.
- iii. The provision of fences, hedgerows, gates and water supplies.
- iv. The cultivation of the land to establish a seedbed suitable for the sowing of grass seed and to facilitate the planting of trees and shrubs.
- v. The fertilizing and liming of the Site in accordance with the requirements of the land as determined by soil analysis, but avoiding raising soil fertility of the open habitats of the non-agricultural areas.
- vi. A review of the production of mineral and use of fill sand in the previous year and implications for the future working and restoration of the Site.
- vii. A review of possible revisions to the approved restoration scheme for the Site.

Reason: To assist in ensuring establishment of the approved afteruses.